

REMARKS

Claims 8, 20, 26, 28-30, 32 and 33 remain in the application. No amendments are being made in this paper. Claims 8 and 20 are the independent claims. Reconsideration and further examination are respectfully requested.

Claim Rejections – 35 USC § 103

Claims 8, 20, 26, 28-30 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buist U.S. Patent No. 6,408,282 (“Buist”) in view of Kemp, II et al. U.S. Patent No. 6,766,304 B2 (hereinafter “Kemp”).

Claim 8 is directed to an “n-tier apparatus for executing and processing financial instrument transactions”. The claimed apparatus includes “a presentation layer further comprising a workspace”, “at least one intermediate component layer for supplying information to the workspace and transferring information from the interface” and “at least one information source layer for supplying information to said intermediate component and transferring information from said intermediate component”. Claim 8 further specifies that the “workspace further comprises at least one sub interface, which sub interface is selected from the group comprising an order entry interface, an order modification interface, an order monitoring interface, an instrument monitoring interface, and a market monitoring interface”. Claim 8 also recites that the “intermediate component layer is comprised of a plurality of intermediate components selected from a predetermined group of intermediate components” and that the “selection occurs at least in part based upon the sub interface or sub interfaces chosen”. In addition, claim 8 states that the “intermediate components of which said intermediate component layer is comprised” include “a first intermediate component that provides a cache for information concerning financial instruments” and “a second intermediate component that stores user preferences for the workspace”.

In setting out the present rejection of claim 8, the Examiner relied upon the Buist reference as disclosing the claimed presentation layer including a workspace and the workspace including at least one sub-interface. The Examiner appears to concede that Buist fails to disclose the claimed intermediate component layer (which includes at least a first intermediate component

that provides a cache for information concerning financial instruments and a second intermediate component that stores user preferences for the workspace) and the claimed information source layer.

There followed, in the Examiner's explanation of the rejection, a brief and conclusory paragraph in which the Examiner appears to assert that the claim features lacking in Buist are present in the Kemp reference, and that it would have been obvious to incorporate certain teachings¹ of Kemp in Buist's system.

Frankly, applicant has no idea what the Examiner is getting at with her reliance on Kemp. Among the questions applicant wishes to pose are: What teachings of Kemp disclose either an "intermediate component layer" or an "information source layer"? Where in Kemp's disclosure is there any discussion of either a (first) "intermediate component that provides a cache for information comparing financial instruments" or a (second) "intermediate component that stores user preferences for the workspace"? As explained in the following two paragraphs, the specific sections of Kemp cited by the Examiner provide no answers to these questions.

The Examiner specifically referred to Figs. 3 and 4 and to column 9 of Kemp. Figs. 3 and 4 are both views of a user interface display (see column 3, lines 45-48 of the reference). It is not apparent to applicant how these display views have any relevance to either an intermediate component layer or an information source layer, nor to the specifically recited first and second intermediate components set forth in claim 8.

Column 9 of Kemp contains a description of the display views of Figs. 3 and 4, and also describes (at lines 35-60) how a user may enter a commodity trading order using the interface. Thus, this portion of Kemp also apparently fails to provide any one of the claim features the Examiner purportedly claims to find therein. That is, there is nothing in column 9 that has anything to do with an intermediate component layer (much less one that includes the specifically recited first and second intermediate components) or an information source layer.

Applicant respectfully submits that, in view of the Examiner's failure to meaningfully explicate the Kemp reference, and that reference's failure to support the Examiner's reliance thereon, the Examiner has not come close to setting forth a valid *prima facie* showing of

¹ As noted below, the citations made by the Examiner to certain portions of Kemp do not clearly indicate what teachings of Kemp the Examiner is relying upon.

obviousness with respect to claim 8.² It is most strongly urged that the rejection of claim 8 should be reconsidered and withdrawn.

The above discussion of claim 8 is believed to be generally applicable to claim 20, which is the other independent claim. The dependent claims, as well, are submitted as patentable on the same basis as their parent independent claims.

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-3460.

Respectfully submitted,



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Date

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² Applicant will further note in passing that the Kemp reference is concerned with trading commodities, not with financial instruments as specified in claim 8 with respect to the claimed "first intermediate component".